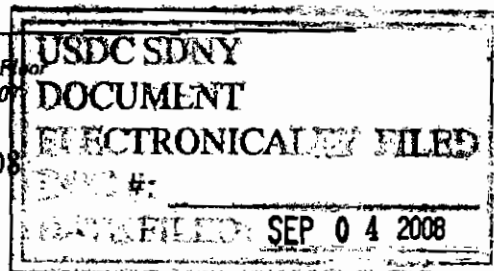




United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

September 3, 2008



BY FACSIMILE

Hon. Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street, Room 755
New York, New York 10007

MEMO ENDORSED

Re: Estate of Lorette Jolles Shefner v. Tuchman,
08 Civ. 4443 (LTS)

Dear Judge Swain:

I write respectfully on behalf of defendant the National Gallery of Art ("National Gallery") to request an extension of three business days, from Friday, September 5, to Wednesday, September 10, to submit the Gallery's reply brief in further support of its motion to dismiss. This is the Gallery's first request for an extension of time to submit its reply brief. The additional time is needed because, in addition to the reply brief in this case, I have an opposition brief due in another matter on September 5. The parties' Preliminary Pre-Trial Statement in this case, which the parties continue to discuss, is also due on September 5, and we intend to meet that deadline.

I have consulted with plaintiff's counsel regarding this request, who advised me that plaintiff is prepared to consent to an extension only until the close of business on Monday, September 8, 2008. However, it would be very difficult for me to complete drafting of the reply brief, and have it reviewed and approved by the Gallery, before Wednesday. If the reply brief is filed on Wednesday, moreover, plaintiff will have ample time to review it before the Initial Conference, which is not scheduled until Friday, September 12, and at which we do not expect argument on the motion.

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: 

SARAH S. NORMAND
Assistant United States Attorney
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cc: Karl Geerken, Esq.
90 Park Avenue
New York, NY 10016
Counsel for Plaintiff

Georges G. Lederman, Esq. (by fax)
52 Duane Street, 7th Floor
New York, NY 10007
Counsel for Defendants Tuchman and Dunow

*The requested extension
is granted.*

SO ORDERED.

NEW YORK, NY 

Sept 4, 2008 LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE